

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Bhadradri Kothagudem District –Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Appeal filed by Sri Lakavath Narasimha Rao, S/o.L. Sakru, H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal, Bhadradri Kothagudem District against rejection made by Project Officer, ITDA Bhadrachalam & Chairman, DLSC vide Lr.Rc.No.A1/DD(TW)/1621/2019, dt.16.12.2019 & 19.02.2021 – Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 69

Dated: 29-10-2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Letter Rc.No. A1/DD (TW)/ 1621/2019, Dt. 16.12.2019 of the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District & Chairman DLSC.
3. Representation of Sri Lakavath Narasimha Rao, S/o.L. Sakru, H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal, Bhadradri Kothagudem District dated: 12.06.2020 & 21.12.2020.
4. Govt.Memo.No.748/TW.LTR/2020, dated:16.11.2020 & 15.01.2021
5. Representation along with enclosures received from Sri Lakavath Narasimha Rao, S/o.L. Sakru, H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal, Bhadradri Kothagudem District dated 09.02.2021.
6. Govt.Memo.No.748/TW.LTR/2020, dated 19.02.2021
7. Govt. Notice No. 748/TW.LTR/2020, Dated 19.02.2021
8. Letter Rc.No. A1/DD (TW)/ 1621/2019, Dt. 19.02.2021 & 25.02.2021 of the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District & Chairman DLSC.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District & Chairman DLSC in the references 2nd & 8th read above, informed that in which the LST Certificate of the applicant Sri Lakavath Narasimha Rao, S/o.L. Sakru, H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal, Bhadradri Kothagudem District was rejected based on the remarks of the DLSC Committee headed by the Project Officer, ITDA, Bhadrachalam & Chairman DLSC that "on verification of the LST file the applicant has submitted the Pahani of 1979-80 which was recorded the name of Sri Lakavath Ramulu (grandfather of the appellant) for the land in Sy.No.120/E Pahani (1979-80) in Machinenipeta village of Julurupad Mandal. The applicant has established ID proves upto his great grandfather only. As Sri Lakavath Narsimha Rao S/o. Sakru R/o. Gopathanda, Machinenipeta Village of Julurupadu Mandal "has not established prescribed record of evidences of their existence of their forefathers at the time of 1950s either in Kasra or Theensal any other record" the genuinity of his Agency Area Certificate is not proved. Hence, rejected."

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3. In the reference 3rd read above, Sri Lakavath Narasimha Rao, S/o. L. Sakru, H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal, Bhadradri Kothagudem District has submitted a representation before the Government 12.06.2020 stating that he has been selected for the post of Veterinary Assistant but his claim of agency candidature has been rejected in the DLSC – therefore, prayed to re- verification of Agency Area Certificate in respect of Local Scheduled Tribe.

4. In the reference 4th read above, Government has forwarded the above representation to the Director, TCR&TI O/o. DSS Bhavan, Masab Tank, Hyderabad, the Collector and District Magistrate, Bhadradri Kothagudem District and the Project Officer, I.T.D.A, Bhadrachalam were requested to examine the representation and take necessary action in the matter as per G.O.Ms.No.24., TW (LTR) DEPT., Dated 12.6.2018 and intimate to Government.

5. In the reference 5th read above, Aggrieved by the above rejection, the Appellant has submitted appeal petition along with documentary evidences before the Government and requested to examine the documentary evidences and restore the original agency area Local Scheduled Tribe certificate so as to enable him for the post of Veterinary Assistant under agency quota of erstwhile Khammam District.

6. Accordingly, in the reference 6th read above, the Government has examined the matter and posted the appeal for hearing on 27.02.2021. The Collector & District Magistrate, Bhadradri Kothagudem District & the P.O.ITDA Bhadrachalam, Bhadradri Kothagudem District were requested to furnish the connected records along with parawise remarks, dealing with the issue of the Local Scheduled Tribe Area Certificate pertaining to the appellant to Government immediately for use during the hearing on 27.02.2021.

7. In the reference 7th read above, a Notice has been issued to the Appellant to attend for hearing on 27.02.2021 before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 27.02.2021 and produced certain documents in support of his claim that he belongs to the Agency Area local ST category of Bhadradri Kothagudem district.

8. In compliance to the Govt. Memo. dt.19.02.2021, the PO ITDA Bhadrachalam, in the reference 8th read above, has furnished remarks and record pertaining to the case of the appellant Sri Lakavath Narasimha Rao, S/o. L. Sakru, and informed that the scrutiny committee headed by the Project Officer, ITDA, Bhadrachalam has rejected claim of the appellant that "on verification of the file of the applicant, name of Sri Lakavath Ramulu (grandfather of the appellant) was recorded for the land in Sy.No.120/E, Machinenipeta village of Julurupad Mandal of Bhadradri Kothagudem District only from the year 1979-80. The applicant has established ID proofs up to his great grandfather only. As the individual failed to establish existence from their fathers from before the year 1950 either in Kasra or Theensal or any other record, his claim has been rejected."

9. Sri Badisha Mohan Rao S/o Bikshamaiah and 9 others have filed Writ Petition No.24914 of 2018 praying the Hon'ble High Court to issue an

appropriate writ, order or orders or directions more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Authorities in not conducting enquiry in respect of obtaining false local ST certificates produced by the 11 selected candidates with Veterinary Assistants with Hall Ticket Nos. (1) 3020171223, (2) 3020171630, (3) 3020171746 (4) 3020170481 (5) 3020170254 (6) 3020171356 (7) 3020173115 (8) 3020179341 (9) 3020172283 (10) 3020173375 and (11) 3020171443 in pursuance to the Recruitment Notification No.30/2017, dated 02.06.2017 for filling up the posts of Veterinary Assistants in Agency Area of Khammam District in spite of submitting representations, dt.2.7.2018 to all the authorities and taking steps to issue appointment orders is illegal, arbitrary, biased, unconstitutional, against the principles of natural justice and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the Respondents Authorities to conduct thorough verification in respect of the certificates and to appoint the Petitioners as per their merit in the said posts.

10. The petitioners have also filed two I.As in the above WP i.e. 1/2018 praying to issue interim orders directing the Respondent Authorities not to issue any appointment orders to the persons with the above Hall Tickets, pending disposal enquiry, pending disposal of WP No.24914 of 2018 on the file of the High Court; and IA 2/2018 to issue a direction directing the Respondents particularly the District Collector, Khammam District (Nodal Officer) and the Joint Director, Animal Husbandry, Khammam forthwith to conduct enquiry in respect of the local ST certificates obtained by persons with the above (11) Hall Tickets before issuing appointment orders, pending disposal of the WP No.24914 of 2018, on the file of the High Court.

The Hon'ble High Court made the following Order:

"Learned counsel for the petitioners would submit that illegal selections were made by appointing the candidates who do not belong to local scheduled area.

However, learned counsel for the petitioners would submit that the petitioners could not get the information about the candidates selected except the hall ticket numbers. Thus, it is not possible for the District Collector to verify the correctness of certificates produced by selected candidates.

Learned Standing Counsel for Telangana State Public Service Commission (TSPSC) is directed to obtain the personal information about the Hall Ticket Nos. 3020171223, 3020171630, 3020171746, 3020170481, 3020170254, 3020171356, 3020173115, 3020173941, 3020172283, 3020173375 and 3020171443 of candidates claiming reservation as local Scheduled Tribes, for appointment to the post of Veterinary Assistants in Agency Area of Khammam District, and furnish information to the learned counsel for the petitioners by 02.08.2018.

The fourth respondent is directed not to make any appointment to the post of Veterinary Assistants in Scheduled Area in Khammam District.

Post on 6.8.2018"

11. Further, the Hon'ble High Court in its order dt.22.10.2019 has disposed of the above WP No.24914 of 2018 making the following order:

"When the matter is taken up for hearing, counsel appearing for the petitioners, the Government Pleaders appearing for respondents 1 to 18, and Sri K.R.Srinivas, counsel appearing for impleaded respondents, have submitted that the issue raised in this writ petition is squarely covered by the order rendered by this Court in WP No.22685 of 2018, dated 14.02.2019, and therefore, the present writ petition can also be disposed of in terms of the said order.

Having considered the above submission, this Court is of the considered view that this writ petition can be disposed of directing the respondents to re-verify the certificates of all the selected candidates within a period of two weeks and, after conducting such verification, the authorities are at liberty to give appointment orders. It is needless to say that the appointment orders be given to the persons whose certificates are genuine.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed".

12. The Appellant herein is one of the candidates covered in the above WP bearing Hall Ticket No. 3020171443. The Hon'ble High Court has disposed the above WP on 22.10.2019 directing the official respondents to re-verify the certificates of the selected candidates and give appointment orders to the persons whose certificates are genuine.

13. Accordingly, the Scrutiny Committee constituted under GO Ms.No.24, TW (LTR) Dept. dt.12.6.2018 had conducted inquiry into the veracity of the Agency Area local ST status of the appellant Sri Lakavath Narasimha Rao, S/o. L. Sakru, and rejected his plea on the grounds as stated under para (8) above.

14. Examined the documents available on record and further documentary evidences submitted by the appellant Sri Lakavath Narasimha Rao, S/o. L. Sakru before the Government on various occasions and also during hearing on 27.2.2021 and contending that Sri Lakavath Narasimha Rao and his family has hold land only from the year 1979-80, however, they have been continuously living in the agency village i.e. Gopathanda of Machinenipeta village in Julurupadu Mandal of Bhadradri Kothagudem District from 1950. He further stated that the other record i.e. electoral rolls are available only from the year 1977 wherein name of Sri Gopa Lakavath S/o Bheekya (great grandfather) was found recorded as voter of 281 Sujathnagar Assembly Constituency at Sl.No.430 under H.No.2-45 of Machinenipet village. In support, the Appellant has submitted letter issued by the Director, Telangana State Archives and Research Institute Tarnaka Hyderabad bearing Lr.No.2722/R2D/2019, dated 15/11/2019 informing that the electoral roll pertaining to Gopa Lakavath S/o Bheekya R/o Machinenipet Village and other members pertaining to 281 Sujathnagar Assembly Constituency only from the year 1977.

15. As per PESA Gram Sabha resolution dated 20.11.2020, the family tree of the appellant is - Lakavath Bheekya is great grandfather of the appellant. He has only one son namely Lakavath Gopa i.e. great grandfather who has three sons namely 1) Lakavath Ramulu (grandfather), 2) Bhichya and 3) Bhadru. Sri Lakavath Ramulu has two children i.e. 1) Lakavath Sakru (father of the appellant) and 2) Bhadri. Sri Lakavath Sakru i.e father of the appellant has four children i.e. 1) Lakavath Narasimha (appellant herein), 2) Vinay Kumari (daughter), 3) Rani (daughter) and 4) Kalyani (daughter). The PESA Gram Sabha further declared that fore-fathers of the appellant have been continuously living in Gopathanda of Machinenipeta Gram Panchayat in Julurupad Mandal of Bhadradri Kothagudem District from before the year 1950.

16. Government after careful examination of the above documentary evidences, and in consideration of the PESA Gram Sabha resolution 33 that the family of the Appellant and his forefathers have been continuously living in Gopathanda of Machinenipeta, an agency village in Julurupad Mandal of Bhadradri Kothagudem District.

17. Accordingly, the Appeal filed by Sri Lakavath Narasimha Rao, S/o.L. Sakru, H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal, Bhadradri Kothagudem District is hereby allowed, setting aside the rejection of DLSC communicated vide Lr.No.A/DD (TW)/1621/2019, dt 19.02.2021 and also treated the LSTAC bearing No. B/67/2017, dt 27.09.2017 issued by the Tahsildar, Julurupad to the Appellant, as valid.

18. The Collector & District Magistrate, Bhadradri Kothagudem District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector & District Magistrate, Bhadradri Kothagudem District.
2. Sri Lakavath Narasimha Rao, S/o.L. Sakru,
H.No. 2-13, Gopa Thanda, Machinenipeta, Julurupadu Mandal,
Bhadradri Kothagudem District

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
2. The Collector & District Magistrate, Khammam District.
3. The Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem
District (for information & necessary action)
4. The Director, Veterinary & Animal Husbandry Department, TS,
Hyderabad (for information & necessary action)
5. District Veterinary & Animal Husbandry Officer, Khammam District
(for information & necessary action)
6. District Veterinary & Animal Husbandry Officer, Bhadradri
Kothagudem District (for information & necessary action)

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7. The PS to Hon'ble Minister for ST Welfare for information.
8. The PS to Secretary (TW)
9. The PS to Special Secretary (TW)
10. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER